

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 03-cr-40037

United States of America

v.

Fabian Calvillo-Sanchez

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/4/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on February 8, 2005.

Tony Anastas, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 2/8/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CLOSED, INTERP

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:03-cr-40037-FDS-ALL**

Case title: USA v. Calvillo-Sanchez

Date Filed: 11/19/2003

Assigned to: Judge F. Dennis Saylor, IV

Defendant**Fabian Calvillo-Sanchez (1)***TERMINATED: 01/26/2005*represented by **Daniel J. Bennett**

Torney, Mahoney, Diamond & Bennett

15 Foster Street

Quincy, MA 02169

617-770-0000

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: CJA Appointment***Pending Counts**

8:1326(a)(b)(2) and 6:202(3) and (4)
and 557 REENTRY OF DEPORTED
ALIENS
(1)

Disposition

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a total term of 41 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years. The defendant shall pay a special assessment of \$100.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Plaintiff**USA**represented by **Nadine Pellegrini**

United States Attorney's Office

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*TERMINATED: 04/22/2004**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Paul G. Casey**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/20/2003	<u>1</u>	INDICTMENT as to Fabian Calvillo-Sanchez (1) count(s) 1. (Shattuck, Deborah) (Entered: 11/20/2003)
11/20/2003	2	Arrest Warrant Issued as to Fabian Calvillo-Sanchez. (Shattuck, Deborah) (Entered: 11/20/2003)
11/20/2003	3	Judge Nathaniel M. Gorton : ELECTRONIC ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Fabian Calvillo-Sanchez (Shattuck, Deborah) (Entered: 11/20/2003)
11/24/2003	<u>2</u>	Judge Charles B. Swartwood : CJA 20 as to Fabian Calvillo-Sanchez : Appointment of Attorney Daniel J. Bennett for Fabian Calvillo-Sanchez. (Roland, Lisa) (Entered: 11/24/2003)
11/24/2003	3	Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Fabian Calvillo-Sanchez (1) Count 1 held on 11/24/2003, Initial Appearance as to Fabian Calvillo-Sanchez held on 11/24/2003, Not Guilty Plea entered by Fabian Calvillo-Sanchez (1)on Count 1. (3:10 P.) (Roland, Lisa) (Entered: 11/25/2003)
11/24/2003	<u>4</u>	CJA 23 Financial Affidavit by Fabian Calvillo-Sanchez (Roland, Lisa)

		(Entered: 11/25/2003)
11/24/2003	<u>5</u>	NOTICE OF HEARING as to Fabian Calvillo-Sanchez; Status Conference set for 1/5/2004 03:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/25/2003)
11/24/2003	<u>6</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Fabian Calvillo-Sanchez; Time excluded from November 24, 2003 until December 22, 2003, cc/cl. (Roland, Lisa) (Entered: 11/25/2003)
11/24/2003	<u>7</u>	Judge Charles B. Swartwood :SCHEDULING ORDER as to Fabian Calvillo-Sanchez, cc/cl. (Roland, Lisa) (Entered: 11/25/2003)
11/24/2003	<u>8</u>	Judge Charles B. Swartwood : ORDER on the Government's motion for DETENTION as to Fabian Calvillo-Sanchez, cc/cl. (Roland, Lisa) (Entered: 11/25/2003)
12/03/2003	<u>9</u>	Arrest Warrant Returned Executed on 11/24/03. as to Fabian Calvillo-Sanchez. (Jones, Sherry) (Entered: 12/03/2003)
01/05/2004	<u>10</u>	JOINT MEMORANDUM of the parties re initial status conference by Fabian Calvillo-Sanchez, c/s. (Jones, Sherry) (Entered: 01/05/2004)
01/07/2004	<u>11</u>	Judge Charles B. Swartwood : STATUS REPORT as to Fabian Calvillo-Sanchez; Status Conference set for 3/3/2004 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 01/09/2004)
01/07/2004	<u>12</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Fabian Calvillo-Sanchez ; Time excluded from December 22, 2003 until March 3, 2004, cc/cl. (Roland, Lisa) (Entered: 01/09/2004)
03/03/2004	<u>13</u>	JOINT SUBMISSION of the parties re status conference by Fabian Calvillo-Sanchez, c/s. (Hassett, Kathy) Modified on 3/8/2004 (Hassett, Kathy). (Entered: 03/03/2004)
03/03/2004	<u>14</u>	Judge Charles B. Swartwood : ORDER entered STATUS REPORT as to Fabian Calvillo-Sanchez Status Conference set for 4/22/2004 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) (Entered: 03/04/2004)
03/03/2004	<u>15</u>	Judge Charles B. Swartwood : ORDER entered ORDER ON EXCLUDABLE DELAY as to Fabian Calvillo-Sanchez Time excluded from 3/3/04 until 4/22/04. (cc/cl) (Jones, Sherry) (Entered: 03/04/2004)
04/22/2004	<u>16</u>	Attorney update in case as to Fabian Calvillo-Sanchez. Attorney Paul G. Casey for USA added. Attorney Nadine Pellegrini terminated. (Roland, Lisa) (Entered: 04/22/2004)
04/22/2004	<u>16</u>	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Fabian Calvillo-Sanchez, c/s. (Jones, Sherry) (Entered: 04/22/2004)
04/23/2004	<u>17</u>	Judge Charles B. Swartwood : STATUS REPORT as to Fabian Calvillo-Sanchez; Status Conference set for 6/8/2004 10:00 AM IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl.

		(Roland, Lisa) (Entered: 04/23/2004)
04/23/2004	<u>18</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Fabian Calvillo-Sanchez; Time excluded from April 22, 2004 until June 8, 2004, cc/cl. (Roland, Lisa) (Entered: 04/23/2004)
06/08/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Fabian Calvillo-Sanchez held on 6/8/2004. Case called, Counsel (Casey, Bennett) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (9:18 P.) (Roland, Lisa) (Entered: 06/08/2004)
06/08/2004	<u>19</u>	Judge Charles B. Swartwood : ORDER entered STATUS REPORT as to Fabian Calvillo-Sanchez Status Conference set for 7/13/2004 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood.(cc/cl) (Jones, Sherry) (Entered: 06/10/2004)
06/08/2004	<u>20</u>	Judge Charles B. Swartwood : ORDER entered ORDER ON EXCLUDABLE DELAY as to Fabian Calvillo-Sanchez Time excluded from 6/8/04 until 7/13/04. (cc/cl) (Jones, Sherry) (Entered: 06/10/2004)
06/18/2004	<u>21</u>	Case as to Fabian Calvillo-Sanchez Reassigned to Judge F. Dennis Saylor, IV. Case reassigned from Judge Gorton to Judge F. Dennis Saylor, IV upon appointment to the bench. Notice sent to counsel. (Shattuck, Deborah) (Entered: 06/22/2004)
07/13/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Case called, counsel appear (Casey, Bennett by phone) counsel request case be sent back to District Judge for a Rule 11 Hearing without an agreement.Status Conference as to Fabian Calvillo-Sanchez held on 7/13/2004 (Tape #2:35.) (Jones, Sherry) (Entered: 07/13/2004)
07/14/2004	<u>22</u>	Judge Charles B. Swartwood : ORDER entered FINAL STATUS REPORT as to Fabian Calvillo-Sanchez. (cc/cl) (Jones, Sherry) (Entered: 07/15/2004)
07/14/2004		Judge update in case as to Fabian Calvillo-Sanchez. Judge Charles B. Swartwood no longer assigned to case. (Jones, Sherry) (Entered: 07/15/2004)
07/26/2004	<u>23</u>	NOTICE OF HEARING as to Fabian Calvillo-Sanchez Change of Plea Hearing set for 8/24/2004 11:30 AM in Courtroom 2 before F. Dennis Saylor IV. (cc/cl)(Castles, Martin) (Entered: 07/26/2004)
08/19/2004	<u>24</u>	ASSENTED TO MOTION to Continue Rule 11 Hearing to September 10, 2004 as to Fabian Calvillo-Sanchez, c/s. (Hassett, Kathy) (Entered: 08/19/2004)
08/19/2004		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>24</u> Motion to Continue as to Fabian Calvillo-Sanchez (1)"Motion ALLOWED. Rule 11 Hearing rescheduled to Friday, Sept. 10, 2004 at 11:30 A.M. and time excluded per request." By the Court. (cc/cl) (Hassett, Kathy) (Entered: 08/19/2004)

08/23/2004	●	Reset Hearings as to Fabian Calvillo-Sanchez : Change of Plea Hearing reset for 9/10/2004 11:30 AM in Courtroom 2 before F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 08/23/2004)
09/09/2004	●	Terminate Deadlines and Hearings as to Fabian Calvillo-Sanchez : Rule 11 hearing set for 9/10/04 is hereby continued at request of defense counsel (on trial). Court to rescheduled Rule 11 Hearing as soon as possible. (cc/cl) (Castles, Martin) (Entered: 09/09/2004)
09/15/2004	●	Reset Hearings as to Fabian Calvillo-Sanchez : Change of Plea Hearing reset for 9/17/2004 03:30 PM in Courtroom 2 before F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 09/15/2004)
09/17/2004	●	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Change of Plea Hearing as to Fabian Calvillo-Sanchez held on 9/17/2004, Case called, Counsel and dft appear for Rule 11 Hearing, Interpreter (Carrie Lilley) sworn, Dft changes plea of not-guilty and enters a plea of guilty to count 1, Plea entered by Fabian Calvillo-Sanchez (1) Guilty Count 1. Sentencing set for 12/10/2004 03:00 PM in Courtroom 2 before F. Dennis Saylor IV. Procedural order re: sentencing held, Dft remanded to the custody of the U.S. Marshal,(Court Reporter Kusa-Ryll.) (Interpreter C. Lilley) (Castles, Martin) (Entered: 09/20/2004)
09/20/2004	●25	Judge F. Dennis Saylor IV: ORDER entered PROCEDURAL ORDER re sentencing hearing as to Fabian Calvillo-Sanchez Sentencing set for 12/10/2004 03:00 PM in Courtroom 2 before F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 09/20/2004)
11/22/2004	●26	Judge F. Dennis Saylor IV: ORDER regarding application of sentencing guidelines entered as to Fabian Calvillo-Sanchez. (cc/cl) (Jones, Sherry) (Entered: 11/22/2004)
11/30/2004	●27	ASSENTED TO MOTION to Continue to December 22, 2004 for Sentencing Hearing as to Fabian Calvillo-Sanchez by USA, c/s. (Jones, Sherry) (Entered: 11/30/2004)
12/01/2004	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting 27 Motion to Continue as to Fabian Calvillo-Sanchez (1). (cc/cl) (Castles, Martin) (Entered: 12/01/2004)
12/01/2004	●	Reset Hearings as to Fabian Calvillo-Sanchez : Sentencing is reset for Wednesday 12/22/2004 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 12/01/2004)
12/21/2004	●	Reset Hearings as to Fabian Calvillo-Sanchez : Sentencing reset for Tuesday 1/25/2005 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 12/21/2004)
01/21/2005	●28	Sentencing Memorandum as to Fabian Calvillo-Sanchez (Casey, Paul) Modified on 1/21/2005 (Jones, Sherry) text edited. (Entered: 01/21/2005)
01/24/2005	●29	Memorandum regarding sentencing as to Fabian Calvillo-Sanchez (Bennett, Daniel) Additional attachment(s) added on 1/25/2005 (Jones,

		Sherry). (Entered: 01/24/2005)
01/25/2005	●	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Sentencing held on 1/25/2005 for Fabian Calvillo-Sanchez (1), Count(s) 1, Case called, Counsel and defendant appear for sentencing, Sentencing held, The defendant is sentenced as follows: The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a total term of 41 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years. The defendant shall pay a special assessment of \$100.00. The defendant is hereby remanded to the custody of the U.S. Marshal. (Court Reporter Kusa-Ryll.)(Interpreter C. Lilley) (Castles, Martin) (Entered: 01/26/2005)
01/26/2005	● 30	Judge F. Dennis Saylor IV: Electronic ORDER entered. JUDGMENT as to Fabian Calvillo-Sanchez (1), Count(s) 1, The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a total term of 41 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years. The defendant shall pay a special assessment of \$100.00. (Castles, Martin) (Entered: 01/27/2005)
01/26/2005	● 31	Judge F. Dennis Saylor IV: Electronic ORDER entered. STATEMENT OF REASONS as to Fabian Calvillo-Sanchez. (Castles, Martin) (Entered: 01/27/2005)
01/26/2005	●	Case Terminated as to Fabian Calvillo-Sanchez (Castles, Martin) (Entered: 01/27/2005)
02/04/2005	● 33	NOTICE OF APPEAL by Fabian Calvillo-Sanchez re 30 Judgment, Filing fee \$ 0.00. Reason fee is not required: court appointed attorney. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 2/24/2005. (Hassett, Kathy) (Entered: 02/04/2005)
02/04/2005	● 34	MOTION to Withdraw as Attorney and have Appellate Counsel Appointed by Daniel J. Bennett as to Fabian Calvillo-Sanchez, c/s. (Hassett, Kathy) (Entered: 02/04/2005)